

2. **LEGISLATION AND EXECUTIVE ORDERS**

A. **Water Resources Development Act of 2000 (P.L. 106-541)**

On December 11, 2000, President Clinton signed into law the Water Resources Development Act (WRDA) of 2000 (P.L. 106-541). This bill provides for the conservation and development of water and related resources and authorizes the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States. It consists of six titles dealing with water resources projects, general provisions, project-specific provisions, studies, miscellaneous provisions, and the Comprehensive Everglades Restoration Plan. Among its many provisions, the statute authorizes numerous federal navigation projects and mandates a study by the National Academy of Sciences concerning the independent peer review of future feasibility reports related to federal navigation projects. Of particular note, the bill authorizes the plan to restore an unprecedented natural resource – the Everglades, authorizes a major project to deepen channels into New York/New Jersey harbor, authorizes projects to improve the Puget Sound ecosystem, and authorizes efforts to restore the estuary of the lower Columbia River in order to boost the recovery of threatened and endangered salmon species.

A few of the many specific provisions of P.L. 106-541 are:

1. Title I authorizes the Secretary of the Army to carry out: (a) a specified project for navigation in New York/New Jersey harbor; and (b) specified water resources projects in Alaska, Arizona, California, Florida, Hawaii, Indiana and Kentucky, Louisiana to the Gulf of Mexico, Missouri, New Jersey, Tennessee, and Wyoming and on the Ohio River. It authorizes the Secretary to carry out projects regarding: (a) beneficial uses of dredged material at specified locations in Louisiana and Ohio; and (b) aquatic ecosystem restoration at specified locations in Louisiana, New Hampshire, Ohio, and Oregon. It also amends the WRDA of 1999 to: (a) include Perry Creek, Iowa, among appropriate locations to be examined with respect to the flood mitigation and riverine restoration program; and (b) authorize the Secretary to design and construct a shore protection project at Fort Canby State Park, Benson Beach, Washington, including beneficial use of dredged material from federal navigation projects. Furthermore, it directs the Secretary to study the following specified projects, and authorizes the Secretary to carry out those projects determined to be feasible, for: (a) beach restoration and protection at Lake Palourde and St. Bernard, Louisiana; (b) navigation at Houma Navigation Canal and Vidalia Port, Louisiana; (c) removal of snags and clearing and straightening of channels for flood control at Bayou Manchac and Black Bayou and Hippolyte Coulee, Louisiana; (d) emergency streambank protection at specified locations in Louisiana; (e) flood damage reduction or control at various locations in Idaho, Louisiana, Mississippi, and Tennessee; and (f) improvement of the quality of the environment at various locations in Louisiana and Ohio.
2. Title II authorizes the Secretary to assess the water resources needs of river basins and watersheds of the United States, including needs relating to: (a) ecosystem protection and restoration; (b) flood damage reduction; (c) navigation and ports; (d) watershed protection; (e) water supply; and (f) drought preparedness. It directs the Secretary, in selecting river

basins and watersheds for assessment, to give priority to the Delaware River basin and the Willamette River basin. The Secretary is authorized to accept contributions from federal, tribal, state, interstate, and local governmental entities to the extent that such contributions will facilitate completion of the assessment. The WRDA of 1986 is amended to make any cost-sharing agreement for a feasibility study or for construction of an environmental protection and restoration project subject to the ability of the nonfederal interest to pay.

3. Title III amends the Flood Control Act of 1944 to direct the Chief of the Army Corps of Engineers to protect, enhance, and restore fish and wildlife habitat on the Missouri River. It further requires the Secretary to provide for activities necessary to protect and enhance fish and wildlife habitat without adversely affecting the water-related needs of the River basin and private property rights.
4. Title VI approves the Comprehensive Everglades Restoration Plan as modified by this Act as a framework for modifications and operational changes to the Central and Southern Florida Project that are needed to: (a) restore, preserve, and protect the South Florida ecosystem; (b) provide for the protection of water quality in, and the reduction of the loss of fresh water from, the Everglades; and (c) provide for the water-related needs of the region.

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